

Message Text

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ACTION EB-07

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TAGS: ETRD, UK

SUBJECT: ANTI-TRUST: FOREIGN OCEAN CARRIERS AND JOINT
VENTURE BY COMPUTER MANUFACTURERS

REF: (A) STATE 194032; (B) STATE 197967; (C) STATE
201668

1. WE DISCUSSED SUBJECT ANTI-TRUST ACTIONS WITH DEPART-
MENT OF TRADE AND FOREIGN AND COMMONWEALTH OFFICE
OFFICIALS AUGUST 16. OFFICIALS PROMISED TO REVIEW THESE
CASES AND PROVIDE US WITH ANY SIGNIFICANT REACTION.

2. DEPARTMENT OF TRADE (DOT) OFFICIALS TOOK ADVANTAGE
OF MEETING TO VOICE THEIR GENERAL CONCERN OVER USG HAND-
LING OF ANTI-TRUST CASES INVOLVING UK FIRMS. AS THEY
HAVE IN PAST, THEY QUESTIONED PROPRIETY OF APPLYING U.S.
DOMESTIC LEGISLATION TO UK FIRMS WHOSE ACTIONS WERE
PERFECTLY LEGAL UNDER UK LAW. THEY SAID THEY WOULD LIKE
TO HAVE OPPORTUNITY TO DISCUSS WITH JUSTICE DEPARTMENT
OFFICIALS THE GROUNDS UPON WHICH INVESTIGATIONS ARE
INSTIGATED. THERE ARE CURRENTLY 15 INVESTIGATIONS IN
VARIOUS STAGES OF DEVELOPMENT IN WHICH UK FIRMS ARE
CONCERNED. REGARDLESS OF WHETHER INVESTIGATIONS ARE
CARRIED TO GRAND JURY OR DROPPED IN PRELIMINARY STAGES,
LEGAL COST FOR THE FIRMS INVOLVED ARE HIGH. THIS ASPECT
IS PARTICULARLY WORRISOME TO DOT OFFICIALS IN CASES IN-
VOLVING SMALL COMPANIES WITHOUT LEGAL ADVICE RESOURCES

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IN U.S.

3. WE NOTE FROM REFTEL (C) THAT JOEL DAVIDOW, CHIEF, FOREIGN COMMERCE SECTION, ANTI-TRUST DIVISION, DOJ, MAY VISIT BRUSSELS FOR MEETINGS WITH EC COMMISSION DURING SEPTEMBER. WE WOULD FIND IT EXTREMELY USEFUL IN LIGHT OF FOREGOING FOR DAVIDOW TO COME TO LONDON FOR MEETINGS WITH DEPARTMENT OF TRADE AND FCO OFFICIALS CONCERNED WITH ANTI-TRUST ISSUES. IN ADDITION, WE COULD SCHEDULE MEETING WITH GORDON BORRIE, WHO HAS RECENTLY REPLACED JOHN METHVEN AS DIRECTOR OF THE OFFICE OF FAIR TRADING. REQUEST ADVISE AS TO WHETHER DAVIDOW MAY BE ABLE TO INCLUDE LONDON IN HIS SEPTEMBER ITINERARY ASAP SO THAT WE MAY NOTIFY APPROPRIATE OFFICIALS AND BEGIN TO ORGANIZE SCHEDULE FOR HIM.

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